

## EXHIBIT 55

1  
2 UNITED STATES DISTRICT COURT  
3 EASTERN DISTRICT OF NEW YORK  
4 1:18-CV-05775-ERK-CLP

5 -----X  
6  
7 STAR AUTO SALES OF BAYSIDE, INC.  
8 (d/b/a STAR TOYOTA OF BAYSIDE), STAR  
9 AUTO SALES OF QUEENS, LLC (d/b/a STAR  
10 SUBARU), STAR HYUNDAI LLC (d/b/a  
11 STAR HYUNDAI), STAR NISSAN, INC. (d/b/a  
12 STAR NISSAN), METRO CHRYSLER  
13 PLYMOUTH INC. (d/b/a STAR CHRYSLER  
14 JEEP DODGE), STAR AUTO SALES OF  
15 QUEENS COUNTY LLC (d/b/a STAR FIAT)  
16 And STAR AUTO SALES OF QUEENS  
17 VILLAGE LLC (d/b/a STAR MITSUBISHI),

18  
19 Plaintiffs,

20 v. DAY 1

21 VOYNOW, BAYARD, WHYTE AND COMPANY, LLP,  
22 HUGH WHYTE, RANDALL FRANZEN AND ROBERT  
23 SEIBEL.

24 Defendants.

25 -----X  
2000 Market Street  
Philadelphia, Pennsylvania

February 1, 2023  
10:38 a.m.

DEPOSITION of JACQUELINE CUTILLO, a  
30(b)(6) witness of Star Nissan, held at the  
above-entitled time and place, taken before  
Carolyn Crescio, a Professional Shorthand  
Reporter and Notary Public of the State of  
Pennsylvania.  
Job No. CS5681760

J. CUTILLO

A P P E A R A N C E S:

MILMAN LABUDA LAW GROUP, PLLC

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BY: JOSEPH LABUDA, ESQ.

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King of Prussia, Pennsylvania 19406

BY: MAUREEN FITZGERALD, ESQ.

ALSO PRESENT:

Jeremy M. Koufakis, Esq.

Randall Franzen

Robert Seibel

Michael Koufakis (via telephone)

Steve Rambam (via telephone)

J. CUTILLO

J A C Q U E L I N E C U T I L L O, the witness  
herein, after having been first duly sworn by a  
Notary Public of the State of Pennsylvania, was  
examined and testified as follows:

BY THE COURT REPORTER:

Q. Please state your name for the  
record.

A. Jacqueline Cutillo.

EXAMINATION

BY MS. FITZGERALD:

Q. Good morning, Jacque.

A. Good morning.

Q. I'm Maureen Fitzgerald. We have met  
before.

We are here today to take the deposition  
of a corporate representative. Today we are  
going to start initially with a corporate  
representative on behalf of the plaintiff, Star  
Nissan, Inc., d/b/a Star Nissan.

A. Correct.

Q. Okay. So we have marked as  
Exhibit 1 the deposition notice, Nissan 1.

(Deposition Notice is received  
and marked as Exhibit Nissan 1 for

1 J. CUTILLO

2 to be used today, pursuant to a  
3 tolling agreement. So --

4 MS. FITZGERALD: Okay.

5 MR. LABUDA: I don't know what to  
6 tell you.

7 MS. FITZGERALD: All right. Mark  
8 the question.

9 Q. Did the company attempt to have  
10 Vivian criminally charged as a result of this  
11 scheme?

12 MR. LABUDA: You heard the  
13 question, right, Jacque?

14 THE WITNESS: The question was:  
15 Did Star Nissan choose to charge  
16 criminally Vivian in regards --

17 Q. Did the company attempt to try to  
18 have Vivian criminally charged as a result of  
19 this scheme?

20 A. I believe so.

21 Q. And did it authorize Rosenfield to  
22 act on its behalf with regard to law  
23 enforcement?

24 A. I believe so.

25 Q. And did Rosenfield provide its